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9  
10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
12  
13

14 **Jeff Macy, as an individual, Jerusha**  
15 **Macy, as an individual, Josiah Macy,**  
16 **as an individual, and Jodiah Macy, as**  
**an individual,**

17 Plaintiffs,

18 v.

19 **California Highway Patrol, a State**  
20 **Agency; Officer Christopher Bates;**  
21 **Supervisor Officer Sergeant Jeffrey**  
22 **O'Brien, and Does 1 - 10, inclusive,**

Defendants.

5:23-CV-02245-RGK-BFM

**DEFENDANTS CHRISTOPHER  
BATES AND JEFFERY O'BRIEN'S  
NOTICE OF MOTION AND  
MOTION FOR SUMMARY  
JUDGMENT**

Date: March 18, 2025  
Time: 10:00 a.m.  
Courtroom: 780  
Judge: Hon. Brianna Fuller Mircheff

Trial Date: TBA  
Action Filed: 5/06/2024

23 TO PLAINTIFF, IN PRO PER:

24 PLEASE TAKE NOTICE that on March 18, 2025 at 10:00 a.m., or as soon  
25 thereafter as this matter may be heard in Courtroom No. 780, of the above-entitled  
26 court, located at the Edward R. Roybal Federal Building and United States  
27 Courthouse, 255 East Temple Street, Courtroom 780, 7th Floor, Los Angeles,  
28 California 90012, Defendants Christopher Bates and Jeffrey O'Brien, pursuant to

1 Federal Rules of Civil Procedure 56 and Local Rules, Rules 56-1 to 56-4, will and  
2 hereby move to Court for an order of summary judgment in favor of moving  
3 Defendants Bates and O'Brien against Plaintiff Jeff Macy as to the Sixth Cause of  
4 Action of Plaintiff's Second Amended Complaint as alleged against moving  
5 Defendants Bates and O'Brien. (ECF 32.)

6 Summary judgment as to the Sixth Cause of Action is appropriate as there is  
7 no triable issue of fact as to the 42 U.S.C. section 1983 Civil Rights claim alleging  
8 Fourth Amendment violations as follows: (a) prolonged traffic enforcement stop,  
9 and (b) unlawful search and seizure; the Sixth Cause of Action is the sole remaining  
10 cause of action permitted by the Court to proceed after its screening order. The  
11 undisputed facts demonstrate plaintiff cannot sustain the remaining sole cause of  
12 action alleged against Defendants Bates and O'Brien.

13 This motion is based on this notice of motion and motion, the concurrently  
14 filed memorandum of points and authorities, separate statement of uncontroverted  
15 facts, declarations of Christopher Bates, Jeffrey O'Brien and Julio A. Hernandez,  
16 exhibits, pleadings, records, and files in this action, and any other matters that may  
17 properly come before the Court.

18  
19 Dated: February 11, 2025

Respectfully submitted,

20 ROB BONTA  
21 Attorney General of California  
22 Catherine Woodbridge  
Supervising Deputy Attorney General

*/s/ Julio A. Hernandez*

23 JULIO A. HERNANDEZ  
24 Deputy Attorney General  
25 *Attorneys for Defendants*  
26 *Christopher Bates and Jeffrey*  
*O'Brien*

**DECLARATION OF SERVICE BY E-MAIL AND U.S. MAIL**

**Case Name:** *Macy, Jeff, et al. v. California Highway Patrol, et al.*

**Case No.:** **5:23-CV-02245-RGK-BFM**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On **February 11, 2025**, I served the attached **DEFENDANTS CHRISTOPHER BATES AND JEFFERY O'BRIEN'S NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT** by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, addressed as follows:

Jeff Macy  
P.O. Box #103  
Twin Peaks, CA 92391  
**E-mail Address:** [macybuilders@yahoo.com](mailto:macybuilders@yahoo.com)

*In Pro Per*

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on **February 11, 2025**, at Sacramento, California.

Donna Kulczyk

Declarant

/s/ Donna Kulczyk

Signature